

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

IN RE:

JANET SUE SHARPE,

DEBTOR.

**Case No.: BK-14-14210-JDL
Chapter 13**

**MOTION FOR RELIEF FROM AUTOMATIC STAY AND ABANDONMENT OF
PROPERTY AND BRIEF IN SUPPORT THEREOF AND NOTICE OF OPPORTUNITY
FOR HEARING**

COMES NOW, U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORPORATION MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-RF2, (hereinafter referred to as Movant) and pursuant to the provisions of Title 11 U.S.C §361, §362 and §554, moves the Court to grant it relief from the automatic stay and for an order of abandonment of the property hereinafter described. In support of its Motion, Movant alleges and states as follows:

1. That the original makers, for a good and valuable consideration, made, executed and delivered to the Payee, a certain written promissory note; a true copy of said note and endorsements thereon, if any, is hereto attached, and made a part hereof.
2. As a part of the same transaction, and to secure the payment of said note and the indebtedness represented thereby, the said makers, being then the owners of the real estate hereinafter described, made, executed and delivered to the Payee, a real estate mortgage in writing, and therein and thereby mortgaged and conveyed to said mortgagee the following described real estate situated in Oklahoma County, State of Oklahoma, to-wit:

All of Lot Fifteen (15) in Block Five (5) in SOUTH WOODVIEW ADDITION, to Oklahoma City, Oklahoma County, Oklahoma, according to the recorded plat thereof.

a/k/a 508 SW 68th St, Oklahoma City, OK 73139

with the buildings and improvements and the appurtenances, hereditaments and all other rights thereunto appertaining or belonging, and all fixtures then or thereafter attached or used in connection with said premises. A true and correct copy of said mortgage is attached hereto, and made a part hereof.

3. Movant is duly authorized to bring this action.

4. Default has been made upon said note and mortgage. As of January 4, 2017, the loan is due for the January 1, 2014, and subsequent payments with an outstanding principal balance of \$14,521.31 plus accruing interest, attorney fees, costs and expenses, and other allowable charges.

5. The mortgage of Movant constitutes a valid lien against the mortgaged property, prior and superior to any right, title, lien, estate or interest of the Debtor or Estate.

6. Movant filed a Proof of Claim on February 5, 2015 (Claim 6-1), to which Debtor filed an Amended Objection on March 13, 2016 (Document 33). An Order Sustaining Debtor's Amended Objection was entered April 10, 2015 (Document 37) reducing the original claim from \$31,172.76 to \$12,000.00 with no arrearage. However, prior to the Debtor filing bankruptcy on October 8, 2014, an Amended Journal Entry of Judgment was entered on July 17, 2014 in Case No. CJ-2013-3368 in the District Court of Oklahoma County, State of Oklahoma wherein the Court found that there was an unpaid principal balance of \$21,125.44 with a default date of June 1, 2012 and interest accruing on the principal balance from May 1, 2012 at a rate of 8% per annum. Attorney fees of \$950.00 and Title Costs of \$765.00 were also awarded. Accordingly, there was obviously arrearage at the time of filing of the bankruptcy, and by obtaining the Order Sustaining Debtor's Amended Objection, the Debtor has failed to cure the arrearage.

7. Movant will suffer irreparable injury, loss and damage unless the automatic stay is terminated so as to permit Movant to continue with the foreclosure action.

8. Notice of the Motion has been afforded to the Trustee, the Debtor and all parties claiming an interest in the subject property.

WHEREFORE, Movant requests that Movant, through its agents, servicers and representatives is permitted to contact Debtor(s) and/or Debtor('s") counsel for the purpose of engaging in discussions and consideration for possible loss mitigation options, solutions and/or resolutions with regard to the underlying mortgage and note, including, but not limited to loan modification or other loss mitigation alternatives.

WHEREFORE, Movant moves the Court for an Order vacating or modifying the automatic stay herein as provided by 11 U.S.C. §362 and directing the Trustee herein to abandon the mortgaged property as authorized by 11 U.S.C. §554 so as to permit Movant and other interested parties to enforce their liens against the subject property.

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also mail a file-stamped copy of your response or objection to the undersigned Movant attorney (and others who are required to be served) and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. The 14 day period includes the 3 days allowed for mailing provided for the Rule 9006(f) Fed.R.Bankr. Proc.

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR STRUCTURED ASSET
SECURITIES CORPORATION
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-RF2,

By: s/ Matthew J. Hudspeth
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Attorney for Movant

CERTIFICATE OF SERVICE

I hereby certify that I mailed a true and correct copy of the above and foregoing Motion with postage thereon fully prepaid to all parties claiming an interest in the subject property as listed below, and to those parties listed on the attached Creditor's Mailing Matrix, on January 17, 2017.

Janet Sue Sharpe
508 SW 68th
Oklahoma City, OK 73139

The following persons should have received notice of the above and foregoing instrument on the same day it was filed by the Court's CM/ECF Electronic Noticing System.

John T. Hardeman
P.O. Box 1948
Oklahoma City, OK 73101

Joshua T. Copeland
124 East Main Street
Norman, OK 73069-1301

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